

To the Secretary of State:

As provided in Section 14 of Article 4 of the Constitution of Texas, I transmit herewith for file in the office of the Secretary of State House Bill No. 29, the same being "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this Act, making appropriations for deficiencies incurred in the support of the State Government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency."

Said House Bill No. 29 was received in the Governor's Office on the 19th day of August, A. D. 1913, at 11:55 o'clock p. m. The items in said House Bill No. 29 not objected to are approved. The figures in the items objected to and disapproved are crossed out with red ink so that there may be no misunderstanding as to the intent of the Governor in disapproving them. The items objected to and disapproved are as follows:

(1) On page 1 is the following item: "To pay Jake Giles, sheriff of Jefferson County, fees in criminal cases," \$206.40. This item is objected to and disapproved for the reason that appropriations are otherwise made for the payment of fees of sheriffs in criminal cases, and it is not stated whether this item of expense arose during either of the fiscal years ending August 31, 1912, or August 31, 1913. The authority of the Legislature to appropriate money to cover deficiencies was limited to those two fiscal years by the terms of the message presenting the subject of deficiencies for the Legislature's consideration.

(2) On page 2 are the following items: "To pay Dennis Richardson for services as a Texas Ranger for five months at \$40.00 per month, from March, 1860, to July, 1860, inclusive," \$200.00; "To pay J. P. Flynt, sheriff of Runnels County, fees in felony cases," \$20.00. These two items are objected to and disapproved for the reasons assigned in disapproving item No. 1.

(3) On page 2 is the following item: "To pay Mrs. E. L. Wesley, public free school teacher of Coleman County, Texas, for amount due her for services rendered during the year of 1891, account of having the approval of State Superintendent, F. M. Bralley," \$40.00. This item is objected to and disapproved. Salaries of school teachers are not due and payable out of the general revenue.

(4) On page 3 is the following item: "To pay amount due W. M. Atkinson, district attorney of the 25th Judicial District, for services rendered in trial of certain cases in the years 1908 and 1909," \$180.00. This item is objected to and disapproved because it did not arise during either of the fiscal years ending August 31, 1912, or August 31, 1913.

(5) On page 3 is the following item: "To pay R. B. Minor salary of Codifying Commissioner from December 15, 1912, to January 1, 1913," \$145.83; and the following item: "To pay accounts of annotators and assistants, as per list of approved accounts by the Codifying Commissioners," \$4413.21. These items are objected to and disapproved. There is no pre-existing authority for incurring this expense. The Legislature made an appropriation of \$25,000.00 to pay the salaries and expenses of the Codifying Commissioners. This item was vetoed, but the Supreme Court held that the veto came too late, and the Codifiers proceeded to expend the money. An application was made to the Governor for a deficiency. He refused to grant it and called the attention of the Codifiers to the provision of the Constitution which prohibits them or any other officer or employe from creating an obligation against the State without authority, and there was no authority for the debts which the Codifying Commissioners created after the appropriation of \$25,000.00 was exhausted.

(6) On page 3 is the following item: "To pay Andreas Coy, Jr., District Clerk, Bexar County, Texas, for costs in the case of H. E. W. Gley vs. Lane," \$27.55. This item is objected to and disapproved for the

reasons assigned in disapproving item No. 1 in this veto message.

(7) On page 5 is the following item: "To pay W. H. Graham fees in case No. 3744 in the district court of Taylor County, State of Texas vs. Bernardo Acosta; also case No. 3751, State of Texas vs. Sam Spicer," \$23.25. This item is objected to and disapproved for the reasons assigned in disapproving item No. 1 in this veto message.

(8) On page 5 is the following item: "To pay accounts of stenographers, as per approved accounts by the Codifying Commissioners," \$1378.25. This item is objected to and disapproved for the reasons assigned at another place in disapproving debts created by the Codifying Commissioners not authorized by law.

(9) On page 5 is the following item: "To pay Z. R. McDonald, official court reporter, 59th Judicial District, fees allowed for services rendered in case No. 11,687, State of Texas vs. Wood Maxey," \$26.25; and the following item: "To pay O. P. Fowler, official court reporter, 24th Judicial District, for services in criminal cases, as per accounts filed in Comptroller's Department," \$122.17; and the following item: "To pay H. P. Bickler, official court reporter, 26th Judicial District, stenographic fees in cases of State of Texas vs. Raphael Lopez, C. O. Turner and W. M. Stevens," \$31.42; and the following item: "To pay T. M. Harrell, official court reporter, 71st Judicial District, case of Texas vs. Mose Wilson," \$11.06; and the following item: "To pay Geo. G. Markley, official court reporter of the 1st Judicial District, stenographic fees in sundry cases," \$112.25; and the following item: "To pay Earl Carter, official court reporter of the 66th Judicial District, for services in case State of Texas vs. Bush Coker," \$15.60; and the following item: "To pay Hall Etter, official district court stenographer, one-half of transcript fees in the hereinafter styled and numbered causes, where the court was required to and did appoint attorneys to represent defendants in criminal action, as provided in Section 14, Chapter 119, Acts of the 32nd Legislature, which one-half of said transcript fees are as follows, to-wit: No. 3166. The State of Texas vs. Alfred Alexander, \$20.00; No. 3162. The State of Texas vs. Cullen Nobles and Curtis McGinsey, \$14.00; No. 3162. The State of Texas vs. Curtis McGinsey, \$12.00; No. 3251. The State of Texas vs. Curtis McGinsey, \$17.00; No. 3282 and No. 3283. The State of Texas vs. Will Johnson, \$15.00; No. —. The State of Texas vs. Dan McCline, \$20.00; No. —. The State of Texas vs. Lillie

Maxwell, \$19.00. All of said items are objected to and disapproved for the reasons assigned in disapproving item No. 1 in this veto message.

(10) On page 6 are the following items: "To pay Sam W. Davis, official court reporter, 15th Judicial District, in case of State of Texas vs. Carl Oliver," \$24.10; "To pay Chas. E. Pickle, official court reporter, 52nd Judicial District, for services in cases of State of Texas vs. John Henry and W. M. Stevens," \$21.37; "To pay Henry Mings, official court reporter, 7th Judicial District, for services rendered in case of State of Texas vs. Tom Tate," \$153.00; "To pay T. M. Harrell, official court reporter, 71st Judicial District, for services rendered in case of State of Texas vs. Phillip Brookins," \$23.60; "To pay C. I. Evans, official court reporter of Criminal District No. 2, Dallas County, in case of State of Texas vs. Ed. Jones," \$48.80; "To pay Geo. E. Bell, official court reporter, 37th Judicial District, in cases of State of Texas vs. A. Caldron and Frank Smith," \$10.40. Each of the foregoing items and sums appropriated to pay the same is objected to and disapproved for the reasons given in disapproving item No. 1 in this veto message.

(11) On page 7 is the following item: "To complete the erection of a monument in the court house yard at Granbury, Hood County, Texas, to the memory of Brigadier-General H. B. Granbury, to be expended under the direction of the Daughters of Confederacy of Granbury Camp, or so much thereof as may be necessary," \$1000.00. This item is objected to and disapproved for the reason that it is my opinion the Legislature has no authority to appropriate money out of the public treasury to be expended by any one except constituted officers of the State.

(12) On page 7 is the following item: "To erect a monument in the State Cemetery over the grave of Major-General John A. Wharton, or

so much thereof as may be necessary, to be expended under the direction of the Governor," \$1000.00. This item is objected to and disapproved for two reasons: the amount is not sufficient for the erection of a creditable monument, and for the further reason that the condition of the finances of the State does not justify expenditures of this kind at the present time.

(13) On page 7 are the following items: "To pay E. T. Rosborough for one typewriter furnished Court of Civil Appeals, 6th District, during year 1907," \$100.00; "To pay E. T. Rosborough for one wide carriage typewriter furnished Court of Civil Appeals, 6th District, during year 1908," \$115.00; "To pay E. T. Rosborough difference in exchange of two typewriters for Court of Civil Appeals, 6th District, during year 1911," \$125.00; and on page 8 is the following item: "To pay E. T. Rosborough for repairing and remodeling one typewriter for Court of Civil Appeals, 6th District," \$15.00. All of said items are objected to and disapproved because the payment of deficiencies created prior to the fiscal years ending August 31, 1912, and August 31, 1913, are not authorized by any subject presented to the Special Session of the Legislature by the Governor.

(14) On page 8 is the following item: "To pay John W. Benson the following: for services as a Texas Ranger for five months at \$40.00 per month, from March, 1860, to July, 1860, inclusive," \$200.00. This item is objected to and disapproved for the reason that its payment was unauthorized by any subject presented in the message of the Governor to the Legislature at the Called Session.

(15) On page 9 is the following item: "Estimated expenses of assistant inspector of Masonry, August 1, 1913, to September 1, 1913," \$80.00. This item is objected to and disapproved because it is not deemed proper to appropriate money on estimated expenses not already incurred.

(16) On page 10 are the following items: "To pay increase of salaries of twenty-four judges of the 8th Supreme Judicial District from July 1, 1913, to August 31, 1913, inclusive," \$2000.00; "To pay increase of salaries for the six judges of the 8th Supreme Court and Court of Criminal Appeals, from July 2, 1913, to August 31, 1913," \$1000.00. The foregoing items are objected to and disapproved. These courts are in vacation. The law increasing the salaries of the judges thereof went into effect July 1, and in my opinion they should be willing to wait for the increase of salaries which is provided for and taken care of in the appropriation bill for the Judicial Department of the State Government already approved, effective September 1, 1913.

(17) On page 10 is the following item: "To pay amount due the City of Austin for paving Lavaca Street, from Tenth to Eleventh Streets, in the rear of the Governor's Mansion," \$1058.75. This item is objected to and disapproved for the reason that I do not believe that the State of Texas should pay for the paving of streets of the City of Austin. The State of Texas, at its own expense, paved the driveways through the Capitol Grounds and is constantly otherwise improving the property of the State, when the State is not a user of the streets, except as they are used by its officers and employees, and said officers and employees, many of them, contribute in taxation toward defraying the expenses of the City of Austin.

(18) On page 10 is the following item: "To pay claims of court reporters for transcribing testimonies in felony cases where pauper oath is filed, as provided by law," \$250.00. This item is objected to and disapproved. There is no proof at hand showing that it is a just claim, or if it is a just claim, that it arose during either of the fiscal years ending August 31, 1912, and August 31, 1913.

(19) On page 12 is the following item: "For the year ending August 31, 1911," \$2865.94. This item evidently refers to fees and costs of sheriffs, clerks and attorneys in felony cases for said fiscal year. The same is objected to and disapproved for the reason that the claim did not arise during either of the fiscal years for which the Legislature was asked to appropriate money to cover deficiencies.

(20) On page 14 is the following item: "To erect a monument in San Patricio County to the memory of James McGloin, empressario of the McMullen and McGloin colony, subject to the approval of the Governor," \$1000.00. This item is objected to and disapproved. The subject of its appropriation was not presented to the Legislature, and the expenditure of public money for these purposes, to say the least, is of doubtful public policy.

(21) On page 14 is the following item: "To pay T. M. Harrell, official court reporter of the 71st Judicial District, case of State of Texas vs. Isreal Hill," \$28.15. This item is objected to and disapproved. There is nothing to show that it is an obligation of the State arising during either of the fiscal years ending August 31, 1912, or August 31, 1913.

(22) On page 15 are the following items: "To pay the fees of witnesses in felony cases who are subpoenaed in the county in which the case is tried, as provided in the Acts of the First Called Session of the Thirty-first Legislature, provided that said appropriations shall and are hereby made as follows: For the year ending August 31, 1914, \$100,000.00; For the year ending August 31, 1915, \$100,000.00." Each of the said items are objected to and disapproved. In my opinion the Act of the Legislature referred to in the appropriation will occasion expenses several times greater than the appropriations will pay. If a portion of the claims are to be held until the next Legislature can care for them, I think all of the claimants should stand upon the same footing, and for this reason both items are disapproved.

Respectfully,

O. B. COLQUITT,
Governor of Texas.